



**THE CORPORATION OF TAY VALLEY TOWNSHIP
COUNCIL MINUTES**

**TUESDAY, JANUARY 17, 2012
7:00 P.M.**

MUNICIPAL OFFICE – COUNCIL CHAMBERS – 217 HARPER ROAD

Members Present: Chair, Reeve Keith Kerr
Councillor Brian Campbell
Councillor Greg Hallam
Councillor Mark Burnham
Councillor Bill Avery

Staff Present: Peter Tranter, Acting Chief Administrative Officer/Treasurer
Amanda Mabo, Clerk
Noelle Reeve, Planner
John Simcock, Public Works Superintendent

Regrets: Deputy Reeve Susan Freeman
Councillor Wayne Jordan
Councillor RoxAnne Darling

1. CALL TO ORDER

The Chair called the meeting to order at 7:00 p.m.
A quorum was present.

2. AMENDMENTS/APPROVAL OF AGENDA

- i) Addition under By-Laws: By-Law No. 2012-004 - Banking Services Agreement.
- ii) Addition under Other Business: Report #PW-2012-02 – ¾ Ton Truck Surplus Sale Award.

The agenda was approved as amended.

3. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

There was no disclosure of pecuniary interest at this time.

4. APPROVAL OF MINUTES

- i) **Council Meeting – December 13th, 2011.**

RESOLUTION #C-2011-01-03

MOVED BY: Bill Avery

SECONDED BY: Greg Hallam

“**THAT**, the minutes of the Tay Valley Township Council meeting held on December 13th, 2011 be approved as circulated.”

ADOPTED

- ii) **Council Meeting (Closed Session – Union Negotiations Update) – December 13th, 2011.**

RESOLUTION #C-2011-01-04

MOVED BY: Greg Hallam

SECONDED BY: Mark Burnham

“**THAT**, the “closed session” minutes regarding Employee Negotiations - Union Negotiations Update, of the Tay Valley Township Council meeting held on December 13th, 2011 be approved as circulated.”

ADOPTED

- iii) **“Special” Council Meeting – December 21st, 2011.**

RESOLUTION #C-2011-01-05

MOVED BY: Bill Avery

SECONDED BY: Greg Hallam

“**THAT**, the minutes of the “Special” Tay Valley Township Council meeting held on December 21st, 2011 be approved as circulated.”

ADOPTED

- iv) **“Special” Council Meeting (Closed Session – Chief Administrative Officer) – December 21st, 2011.**

RESOLUTION #C-2011-01-06

MOVED BY: Mark Burnham

SECONDED BY: Greg Hallam

“**THAT**, the “closed session” minutes regarding an Identifiable Individual – Chief Administrative Officer, of the Tay Valley Township “Special” Council meeting held on December 21st, 2011 be approved as circulated.”

ADOPTED

- v) **“Special” Council Meeting (Closed Session – Management Remuneration) – December 21st, 2011.**

RESOLUTION #C-2011-01-07

MOVED BY: Brian Campbell

SECONDED BY: Bill Avery

“THAT, the “closed session” minutes regarding Employee Negotiations – Management Remuneration, of the Tay Valley Township “Special” Council meeting held on December 21st, 2011 be approved as circulated.”

ADOPTED

- vi) **“Special” Council Meeting – January 10th, 2012.**

RESOLUTION #C-2011-01-08

MOVED BY: Brian Campbell

SECONDED BY: Bill Avery

“THAT, the minutes of the “Special” Tay Valley Township Council meeting held on January 10th, 2012 be approved as circulated.”

ADOPTED

- vii) **Committee of the Whole Meeting – January 10th, 2012.**

RESOLUTION #C-2011-01-09

MOVED BY: Brian Campbell

SECONDED BY: Mark Burnham

“THAT, the minutes of the Committee of the Whole meeting held on January 10th, 2012 be approved as circulated.”

ADOPTED

5. DELEGATIONS AND PRESENTATIONS

None.

6. CORRESPONDENCE

None.

7. MOTIONS

i) YAK (Youth Action Committee) – Funding Request.

RESOLUTION #C-2011-01-10

MOVED BY: Greg Hallam

SECONDED BY: Bill Avery

“**THAT**, the YAK – Funding Request in the amount of \$5,750 be referred to the 2012 Budget Process.”

ADOPTED

ii) Report #PD-2012-01 – Severance Application – Burke.

RESOLUTION #C-2011-01-11

MOVED BY: Bill Avery

SECONDED BY: Greg Hallam

“**THAT**, the Council of Tay Valley Township recommend to the Land Division Committee of Lanark County that the Burke Severance Application #B11/160 (Part Lot 15, Concession 10, Geographic Township of North Burgess) be approved subject to the following conditions:

1. That, the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. That, the applicant pay any outstanding fees to the Township prior to final approval.
3. That, one (1) copy of an acceptable reference plan or legal description of the severed lands and the deed/transfers(s) be submitted to the Township;
4. That, the applicant submit to the Township the \$100 cash-in-lieu of parkland requirement.”

ADOPTED

iii) Report #PD-2012-02 – Severance Application – Thompson.

RESOLUTION #C-2011-01-12

MOVED BY: Greg Hallam

SECONDED BY: Mark Burnham

“**THAT**, the Council of Tay Valley Township recommend to the Land Division Committee of Lanark County that the Thompson Severance Application #B11/167 (Part Lot 11, Concession 1, Geographic Township of South Sherbrooke) be approved subject to the following conditions:

1. That, the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. That, the applicant pay any outstanding fees to the Township prior to final approval.
3. That, one (1) copy of an acceptable reference plan or legal description of the severed lands and the deed/transfers(s) be submitted to the Township
4. That, the applicant submit to the Township the \$100 cash-in-lieu of parkland requirement.”

ADOPTED

- iv) **Report #CBO-2012-01 – Building Department Report – January to December 2011.**

RESOLUTION #C-2011-01-13

MOVED BY: Mark Burnham
SECONDED BY: Greg Hallam

“**THAT**, Report #CBO-2012-01 – Building Department Report – January to December 2011 be received for information.”

ADOPTED

- v) **Perth & District Chamber of Commerce: Funding Request.**

RESOLUTION #C-2011-01-14

MOVED BY: Brian Campbell
SECONDED BY: Bill Avery

“**THAT**, the Perth & District Chamber of Commerce – Funding Request in the amount of \$1,500 be referred to the 2012 Budget Process.”

ADOPTED

- vi) **12-01-02 Council Communication Package.**

RESOLUTION #C-2011-01-15

MOVED BY: Brian Campbell
SECONDED BY: Mark Burnham

“**THAT**, the 12-01-02 Council Communication Package be received for information.”

ADOPTED

8. BY-LAWS

- i) **By-Law No. 2012-004: Banking Services Agreement – *attached, page 11.***

RESOLUTION #C-2011-01-16

MOVED BY: Bill Avery

SECONDED BY: Brian Campbell

“**THAT**, By-Law No. 2012-004, being a by-law to authorize the execution of a Banking Services Agreement with the Bank of Montreal, be read a first, second and third time short and passed and signed by the Reeve and Clerk.”

ADOPTED

9. COMMITTEE AND STAFF REPORTS

- i) **Report #FIN-2012-01 - Non-Owned Automobile Insurance.**
Peter Tranter, Treasurer.

RESOLUTION #C-2011-01-17

MOVED BY: Brian Campbell

SECONDED BY: Mark Burnham

“**THAT**, the CORPORATION OF TAY VALLEY TOWNSHIP accept the agreement of the SUBSCRIPTION POLICY to insure the liability assumed by this Resolution as follows:

CORPORATION OF TAY VALLEY TOWNSHIP HEREBY

1. ASSUMES THE LIABILITY FOR BODILY INJURY TO OR DEATH OF ANY PERSON OR DAMAGE TO OR DESTRUCTION OF PROPERTY OF OTHERS, IMPOSED BY LAW UPON:
 - (a) **Members of Council, staff, committee & board members and volunteers** of the CORPORATION OF TAY VALLEY TOWNSHIP for liability which arises out of the use or operation by such person of a licensed motor vehicle, or
 - (b) the owner of any licensed motor vehicle, for liability which arises out of the use or operation of such licensed motor vehicle by **Members of Council, staff, committee & board members and volunteers** of the CORPORATION OF TAY VALLEY TOWNSHIP
2. DECLARES THAT SUCH ASSUMPTION OF LIABILITY BE SUBJECT TO THE FOLLOWING LIMITATIONS, EXCLUSIONS AND CONDITIONS:

- (a) This assumption of liability applies only to the use or operation of a licensed motor vehicle in Canada or the United States of America by **Members of Council, staff, committee & board members and volunteers** on behalf of the CORPORATION OF THE TAY VALLEY TOWNSHIP including travel to and from work and attendance at meetings.
- (b) This assumption of liability applies only in excess of existing insurance carried by the owner of the licensed motor vehicle which was being used or operated by **Members of Council, staff, committee & board members and volunteers** at the time of the accident and does not apply unless the licensed motor vehicle which was being used or operated by such person at the time of the accident is insured for not less than the minimum Third Party Liability Limit required by The Insurance Act for the Province of Ontario.
- (c) This assumption of liability is subject to the agreements, conditions, terms and limit of liability insured in the Non-Owned Automobile Policy issued by the SUBSCRIPTION POLICY and shall terminate whenever such Non-Owned Automobile Policy is terminated.”

ADOPTED

- ii) **Report #PW-2012-01 – Glen Tay Garage – Crack Update.**
John Simcock, Public Works Superintendent.

The Public Works Superintendent informed Council that if the snow load increases on the roof to a certain limit before the crack is fixed, Staff will be required to remove the snow.

RESOLUTION #C-2011-01-18

MOVED BY: Bill Avery

SECONDED BY: Greg Hallam

“**THAT**, the quote from Crains’ Construction for wall underpinning of the Glen Tay Garage dated January 10th, 2012 in the amount of \$55,870.00, excluding tax, be accepted.”

ADOPTED

- iii) **Council Updates.**

- i) **Deputy Reeve Freeman** – *deferred to the next meeting.*

- ii) **Councillor Avery**

No Update.

- iii) **Councillor Burnham**

No Update.

iv) **Councillor Campbell**

No Update.

v) **Councillor Darling** – *deferred to the next meeting.*

vi) **Councillor Hallam**

No Update.

vii) **Councillor Jordan** – *deferred to the next meeting.*

viii) **Reeve Kerr**

No Update.

10. OTHER BUSINESS/GIVING NOTICE

- i) **Report #PW-2012-02 – ¾ Ton Truck Surplus Sale Award - *attached, page 16.***
John Simcock, Public Works Superintendent.

RESOLUTION #C-2011-01-19

MOVED BY: Mark Burnham

SECONDED BY: Bill Avery

“**THAT**, the ¾ Ton Truck Surplus Sale bid be awarded to Linda Macdonald for the amount of \$750.90, including HST.”

ADOPTED

11. QUESTIONS FROM THE PRESS

None.

12. CALENDARING: UPCOMING MEETINGS

Council	January 17	7:00 p.m.	Township Office
Library Budget Meeting	January 23	6:00 p.m.	Library
Committee of the Whole	January 24	7:00 p.m.	Township Office
Police Services Board	January 26	3:00 p.m.	Township Office
OAPSB Zone 2 Meeting	January 27	9:00 a.m.	Smiths Falls
Public Meeting – Zoning By-Law Amendment	January 31	6:30 p.m.	Township Office
Council	January 31	7:00 p.m.	Township Office

13. CLOSED SESSION

None.

14. CONFIRMATION BY-LAW

- i) **By-Law No. 2012-003: Confirmation By-Law – January 17th.**

RESOLUTION #C-2011-01-20

MOVED BY: Bill Avery

SECONDED BY: Greg Hallam


“**THAT**, By-Law No. 2012-003, being a by-law to confirm the proceedings of the Council meeting held January 17th, 2012, be read a first, second and third time short and passed and signed by the Reeve and Clerk.”

ADOPTED

15. ADJOURNMENT

Council adjourned at 7:29 p.m.


Amanda Mabo, Clerk


Keith Kerr, Reeve

BY-LAWS

THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2012-004

BANKING SERVICES AGREEMENT (BANK OF MONTREAL)

WHEREAS, Section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act or any other Act;

AND WHEREAS, Section 5 (3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power, including a municipality's capacity, rights, powers and privileges under Section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS, the Township currently has an agreement for banking services with the Bank of Montreal that expired on December 31st, 2011;

AND WHEREAS, it is deemed appropriate to enter into a revised agreement expiring on January 31st, 2013 with the Bank of Montreal to take advantage of beneficial interest rates;

NOW THEREFORE BE IT RESOLVED THAT, the Council of the Corporation of Tay Valley Township enacts as follows:

1. GENERAL REGULATIONS

1.1 **THAT**, the Reeve and Treasurer are hereby authorized on behalf of the Corporation of Tay Valley Township to execute an agreement with the Bank of Montreal for Banking Services, attached hereto as Schedule "A".

2. BY-LAWS TO BE REPEALED

2.1 By-Law No. 2011-011 is hereby repealed.

2.2 All by-laws or parts thereof and resolutions passed prior to this by-law which are in contravention of any terms of this by-law are hereby rescinded.

3. ULTRA VIRES

3.1 Should any sections of this by-law, including any section or part of any schedules attached hereto, be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

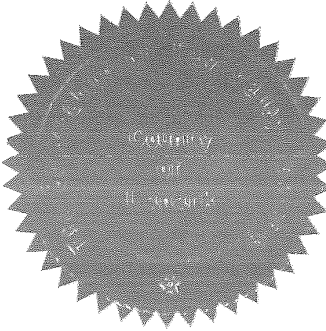
**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2012-004**

4. EFFECTIVE DATE

ENACTED AND PASSED this 17th day of January, 2012.



Keith Kerr, Reeve

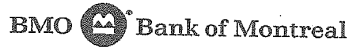




Amanda Mabo, Clerk

THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2012-004

SCHEDULE "A"



Credit Interest
Application and Agreement

To: BANK OF MONTREAL (the "Bank")

The undersigned hereby requests that certain of its account(s) with the Bank be designated as indicated below and in consideration of such designation by the Bank the undersigned agrees to the following terms and conditions as they relate to the payment of interest on balances in such account(s). The undersigned acknowledges that these terms and conditions shall only apply to those account(s) so designated by the Bank (the "Account(s)").

SECTION 1

Canadian dollar Treasury Account(s)

1. The Bank shall pay interest on the daily closing account balance(s) in each Account at the following rates:
 - a) For daily closing account balance(s), interest shall accrue on a daily basis and be calculated at the Bank's Prime Rate¹ in effect on such day.
 less 1.55 % or
 less _____% for that portion of the daily closing balance in such Account up to and including \$ _____ and at the Bank's Prime Rate in effect on such day less _____% for that portion of the daily closing balance in such Account over such amount.
 - b) For average monthly closing account balance(s), interest shall accrue monthly and be calculated as of the last day of each month, at the Bank's average Prime Rate¹ in effect during such month.
 less _____% or
 less _____% for the portion of the average monthly closing balance in such Account up to and including \$ _____ and at the Bank's average Prime Rate less _____% for that portion of the average monthly closing balance in such Account over such amount.
2. Interest in respect of each Account will be calculated as set above and paid monthly in arrears, provided the daily closing balance in such Account, or consolidated daily closing balance² in all Accounts, if applicable, for each day of the month is equal to or greater than \$ 100,000.00.
3. The Bank shall not be obligated to pay interest on any portion of the daily closing balance in any Account that is in excess of \$ 10,000,000.00.
4. The Bank has the right to require twenty-four (24) hours prior notice of withdrawal of all or a portion of the balance(s) in the Treasury Account(s) only.

SECTION 2

1. Subject to clause 2 and 3 of this Section 2, the interest rate(s) as set out in this Agreement will be in effect for a period of twelve (12) months ending on 31/Jan/2013.
DD/MMM/YYYY
2. The Bank reserves the unilateral right to amend the interest rate(s) to be paid as set out in this Agreement in the event:
 - i) of any change in any law or regulation (whether or not having force of law) or in the interpretation thereof by any competent government authority charged with the administration thereof; or
 - ~~ii) that the average monthly closing balance of any Account, as calculated as of the last day of each month, fluctuates +/- 15 % in comparison to the preceding twelve (12) month average monthly closing balance of such Account.~~
3. Notwithstanding clause 1 of this Section 2 this Agreement may be terminated by either the undersigned or the Bank at any time upon twenty-four (24) hours written notice to the other party.
4. The undersigned must notify the Bank in writing of any increase or decrease in the daily closing account balance(s)/closing collected account balance(s) of \$10,000,000.00 or more (for each Account, if more than one Account). Failure to notify the Bank in writing may result in the undersigned not receiving any interest on the entire balance/collected balance in such Account.

Acknowledged and agreed to by the undersigned as of this 31st day of January, 2012.
Month Year

CORPORATION OF TAY VALLEY TOWNSHIP

Legal name

Witness

(Witness not required for Incorporated Companies)

Witness Name:

By: _____
Name: **KEITH KERR**
Position: **REEVE**

Witness Name:

By: _____
Name: **PETER TRANTER**
Position: **TREASURER**

Witness Name: **AD**

By: _____
Name:
Position:

¹ The term "Prime Rate" shall mean the floating annual rate of interest established from time to time by the Bank as the reference rate it will use to determine the rate of interest payable to the Bank by borrowers from the Bank in Canadian dollars in Canada and designated by the Bank as its Prime Rate. The Bank's current Prime Rate is available at any branch of the Bank or online at bmo.com.

² For the purposes of this agreement, "consolidated closing balance in all Accounts" shall mean the closing account balances in all the Accounts which are subject to the terms and conditions of this agreement and are held in the name of the undersigned at the Bank.

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OTHER BUSINESS

To: Council

From: John Simcock, Public Works Superintendent

Date: January 17th, 2012

Report #PW-2012-02: ¾ TON TRUCK SURPLUS SALE AWARD

STAFF RECOMMENDATION:

“THAT, the ¾ Ton Truck Surplus Sale bid be awarded to Linda Macdonald for the amount of \$750.90 including HST.

BACKGROUND:

The ¾ Ton Truck was to be traded with the purchase of the Superintendent’s truck, but this option was not utilized. It was decided to sell the truck as per the guidelines set out in the surplus sale of equipment held in 2011.

DISCUSSION:

The Township publicly advertized within the local newspapers and on the Township website and received a total of six bids, which were opened on Tuesday, January 17th 2012 at 1:30 p.m. in the Fall River Room at the Municipal Office.

Listed below are the bid amounts from highest to lowest.

Name	Bid Amount
Linda Macdonald	750.90
Bill Mackler	525.00
Linda Macdonald	700.00
Erin O'Brien	700.00
Bill Mackler	465.00
Harry Cameron	429.00

Linda Macdonald was the highest bidder with \$750.90.